



Public Notice

ISSUED: November 14, 2012
EXPIRES: December 13, 2012

U.S. Army Corps
of Engineers
Buffalo District

Application No: 2002-01628
Section: NY

All written comments should reference the above Application No. and be addressed to:
U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street Buffalo, NY 14207

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

APPLICANT: Fairway Hills Development, LLC, 2730 Transit Road, in the City of West Seneca, Erie County, New York

WATERWAY & LOCATION: The project is located next to William Street, in the Town of Lancaster, Erie County, New York (Figure 1 of 7). USACE has completed a jurisdictional determination on February 6, 2012 for all wetland/waters within the proposed project limits. The proposed project contains jurisdictional wetlands within the project limits. The wetlands are adjacent to NYSDEC wetland LA-17 and an unnamed tributary to Little Buffalo Creek.

LATITUDE & LONGITUDE: Latitude North: 42.8789
Longitude West: 78.6315

EXISTING CONDITIONS: Historically, four construction phases have been completed at the Summerfield Farms Subdivision. The subdivision currently occupies approximately 60.5 acres of a 272.5 acre parcel, which resulted in the permanent impacts to 1.51 acres of jurisdictional wetland. Mitigation for these impacts has been completed, and monitoring of the wetland mitigation is currently ongoing.

A 212 acre parcel of the 272.5 acre parcel of Summerfield Farms Subdivision was verified for the presence of federally jurisdictional waters on February 6, 2012. Five wetlands totaling 94.08 acres and two streams totaling 7,712 linear feet were determined to meet federal jurisdiction (Figure 7 of 7).

PROPOSED WORK: The proposed project involves the construction of Phase 5 of Summerfield Farms, consisting of 62 residential home lots and related infrastructure including several roads, utilities, and storm water detention facilities. The proposed project is located on a 32.26 acre parcel (Figure 2 of

7). The proposed project would result in permanent impacts to 3.59 acres of federally jurisdictional wetlands.

PROJECT PURPOSE

Basic: Residential Development

Overall: To provide residential development within the southern portion of the Town of Lancaster.

WATER DEPENDENCY DETERMINATION: The discharge of fill material into 3.59 acres of wetland for the purpose of residential development is not a water dependent activity because it does not require access or sitting within the special aquatic site in question to fulfill its basic purpose. Therefore, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has considered the following alternatives for the proposed residential development. The Corps must consider if the proposed project is the least environmentally damaging practicable alternative (LEDPA) (40 CFR 230.10).

Null Alternative - With this alternative, no development would occur. This alternative would not fulfill the project purpose and the applicant has determined that this is not a practicable alternative.

Off-Site Development Alternative – This is phase 5 of a proposed 6 phase residential development. The applicant has a significant investment in this property and wishes to maximize the development of the property. The applicant is not proposing off-site alternatives.

On-Site Development Alternative 1 - This alternative contained 159 residential lots and would have impacted a total of 5.60 acres of wetland. This alternative was rejected in order to minimize wetland impacts.

On-Site Development Alternative 2 – This alternative would contain 62 residential lots and would impact 3.59 acres of wetland. According to the applicant, this alternative provides the smallest amount of wetland impacts necessary for the residential development to be considered economically feasible. The applicant prefers this alternative.

PROPOSED MITIGATION: In order to mitigate for those proposed impacts, the applicant has proposed the creation of 2.06 acres of forested wetland, 0.018 acres of vernal pools, and preservation of 37.54 acres of existing upland and wetland (Figures 3-6 of 7). The proposed wetland impacts consist mainly of farmed wetland area and emergent wetland.

The applicant has identified a potential wetland mitigation site and preservation area adjacent to the proposed phase 5 development (Sheet 3 of 7). Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should reference the Application Number and be directed to the attention of Joshua Frost, who can be contacted at the above address, by calling (716) 879-4325, or by e-mail at: joshua.w.frost@usace.army.mil A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

Available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species. There are no species listed as protected pursuant to the Endangered Species Act located within Erie County, New York, and therefore the Corps is not consulting beyond this Public Notice with the U.S. Fish and Wildlife Service.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Diane C. Kozlowski
Chief, Regulatory Branch

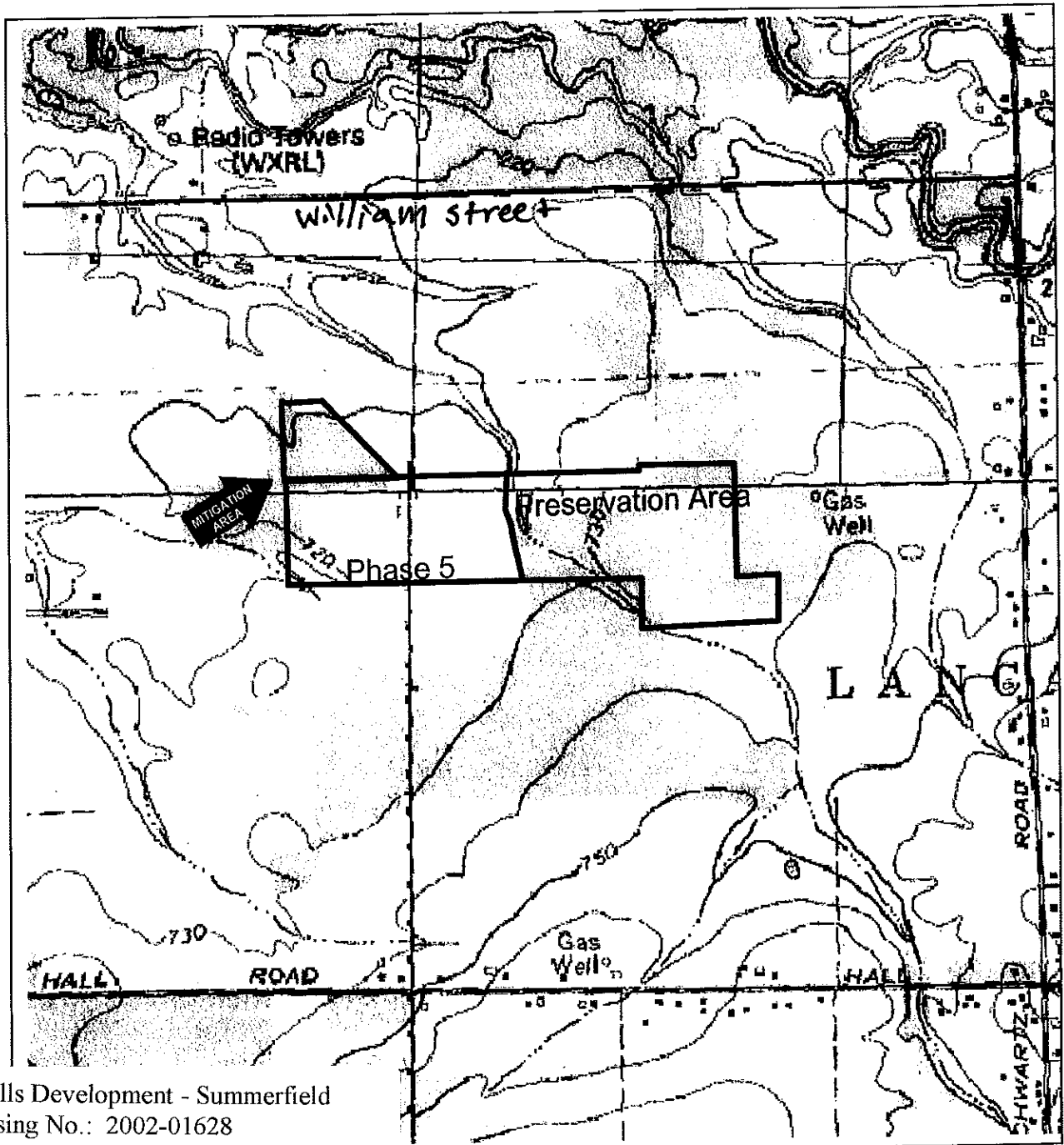
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



H DIMENSIONS, INC.

W2D01p

Summerfield Farms Phase 5 Mitigation



Fairway Hills Development - Summerfield
DA Processing No.: 2002-01628
Erie County, New York
Quad: Lancaster
Sheet 1 of 7

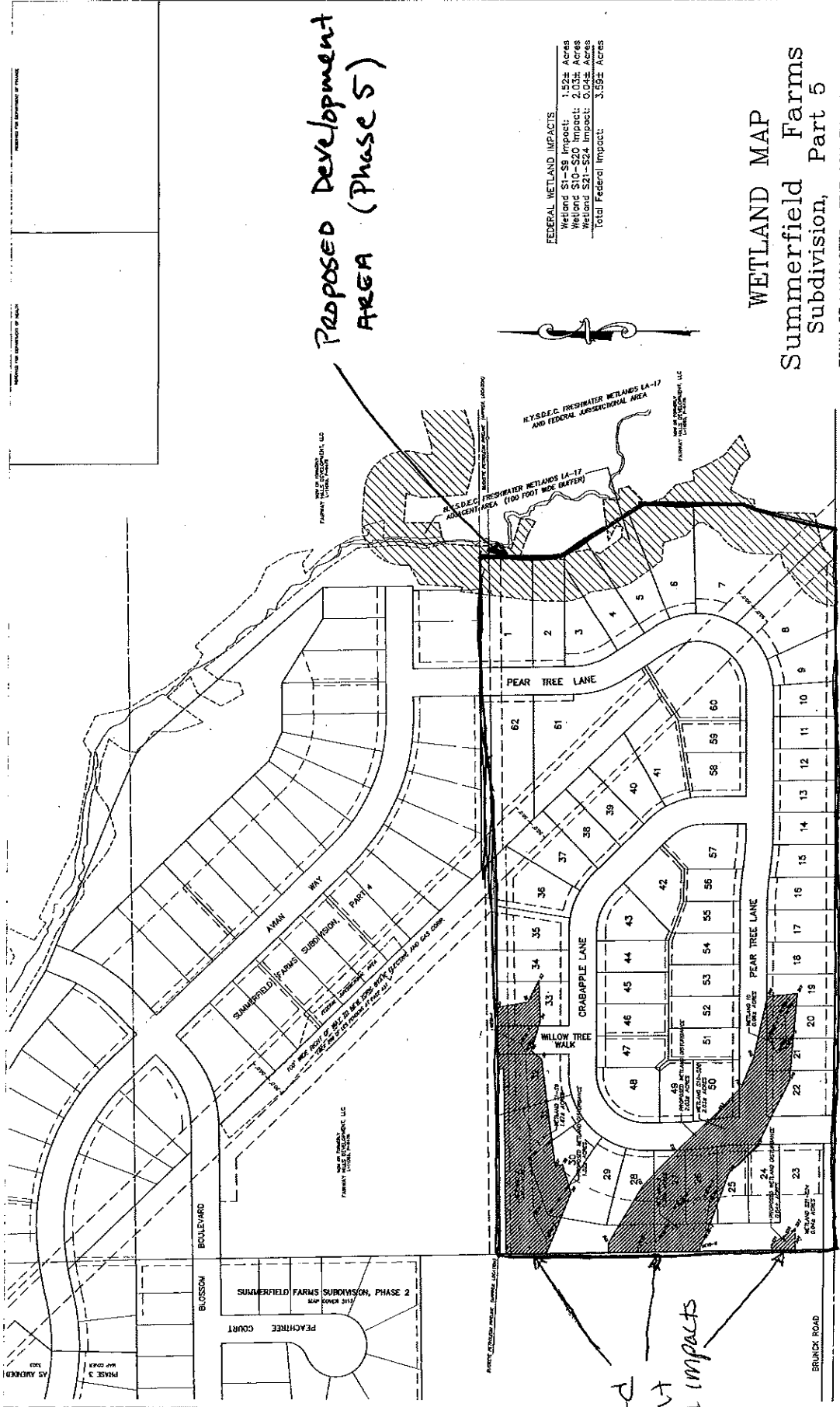


Figure 2: USGS 7.5 Minute Topographical Map
Lancaster/2002 DeLorme

Summerfield Farms Phase 5 Mitigation;
Town of Lancaster, Erie County, New York



Fairway Hills Development - Summerfield
 DA Processing No.: 2002-01628
 Erie County, New York
 Quad: Lancaster
 Sheet 2 of 7



FEDERAL WETLAND IMPACTS

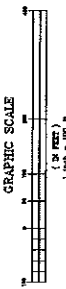
Wetland S1-S9 Impact:	1,524 Acres
Wetland S10-S20 Impact:	2,034 Acres
Wetland S21-S24 Impact:	0,044 Acres
Total Federal Impact:	3,592 Acres

WETLAND MAP Summerfield Farms Subdivision, Part 5

TOWN OF LANCASTER, ERIE COUNTY, NEW YORK
 BEING PART OF LOT 61, TOWNSHIP 10, RANGE 6, BUFFALO CREEK RESERVATION



DATE: JULY 28, 2001
 REVISED: JANUARY 23, 2002



WETLANDS DEMARCATED BY GREENMAN-PEDERSEN, INC. ON JULY 2001

WETLANDS DEMARCATED BY USACE ON NOVEMBER 2001

Sheet 3 of 7

Total = 95.61 ± acres*

* Areas are approximate.

Wetland 4 was not surveyed, only field located. Wetland 1 contains some upland islands that were not surveyed and the upland area where data points D11- D15 was also not surveyed, only field located. These areas are shown on this map, see below.

Welland boundaries to the east of this line and wetlands 8-11 were not surveyed. The information shown in this area is based on field notes, sketch or GPS location.

WIND
WETLAND AREA - IN RED
AREA HAS NOT BEEN LOCATED




























SURVEY OF FEDERAL JURISDICTIONAL WETLANDS
PART OF LOTS 54, 61, 62 AND 65, TOWNSHIP 14, RANGE 6
BUTLER CREEK RESERVATION
TOWN OF LACASTER, CREE COUNTY, NEW YORK

GRAPHIC SCALE



(IN FEET)

LEGEND

-  North Arrow
-  PROPOSED MITIGATION
-  Welland Boundary Flag
-  FEDERAL REGION, WELLAND AREA
-  FEDERAL REGION, WELLAND AREA
-  FEDERAL REGION, WELLAND AREA
-  FEDERAL REGION, WELLAND AREA
-  STATE AND FEDERAL WELLAND AREA
-  STATE AND FEDERAL WELLAND AREA
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-  STATE AND FEDERAL WELLAND AREA
-  D1
-  Data Point Location
-  Data Point Location
-  Data Point Location
-  Data Point Location
-  Data Point Location
-  100' Buffer to LA-17
-  100' Buffer to LA-17
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Summerfield Farms

STATION OF LANCASTER

Mod Date: 08-20-2009. JMC

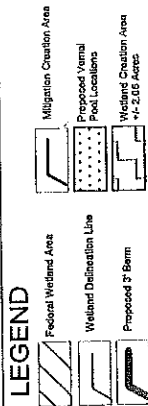
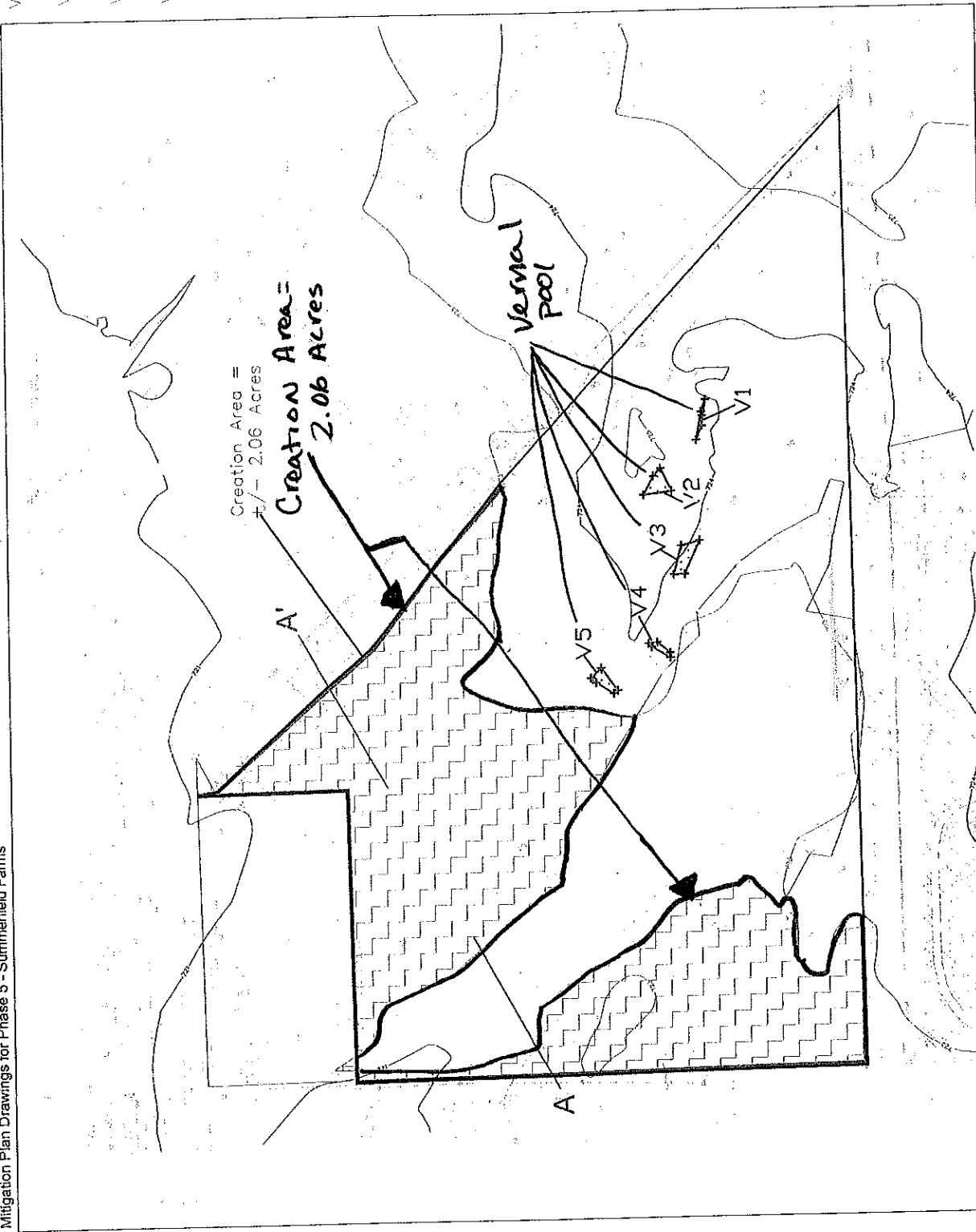
Revised: ARS 08-14-2012

Scale: As Shown

Soil and Hydrogeologic Investigations • Wetland Delineations
1091 Junction Road • Elms, NY 14052
(716) 655-1717 • Fax (716) 655-2914

Proposed
Mitigation Area

Vernal Pool 1 = .001 acres
 Vernal Pool 2 = .005 acres
 Vernal Pool 3 = .006 acres
 Vernal Pool 4 = .002 acres
 Vernal Pool 5 = .004 acres



Summerfield Farms

Attachment C: Mitigation Plan Drawing

ERIE COUNTY, NEW YORK


TOWN OF LANCASTER

EARTH DIMENSIONS, INC.
 Soil & Hydrogeologic Investigations • Wetland Delineations
 1091 Jamison Road • Elma New York 14059
 (716) 655-1717 • Fax (716) 655-2915 • www.earthdimensions.com



EDI PROJECT CODE: W2D01P
 Base Map Provided by: **REVERSON, INC. ENGINEERS**
 Date: 10/19/2012
 Scale: 1" = 100'

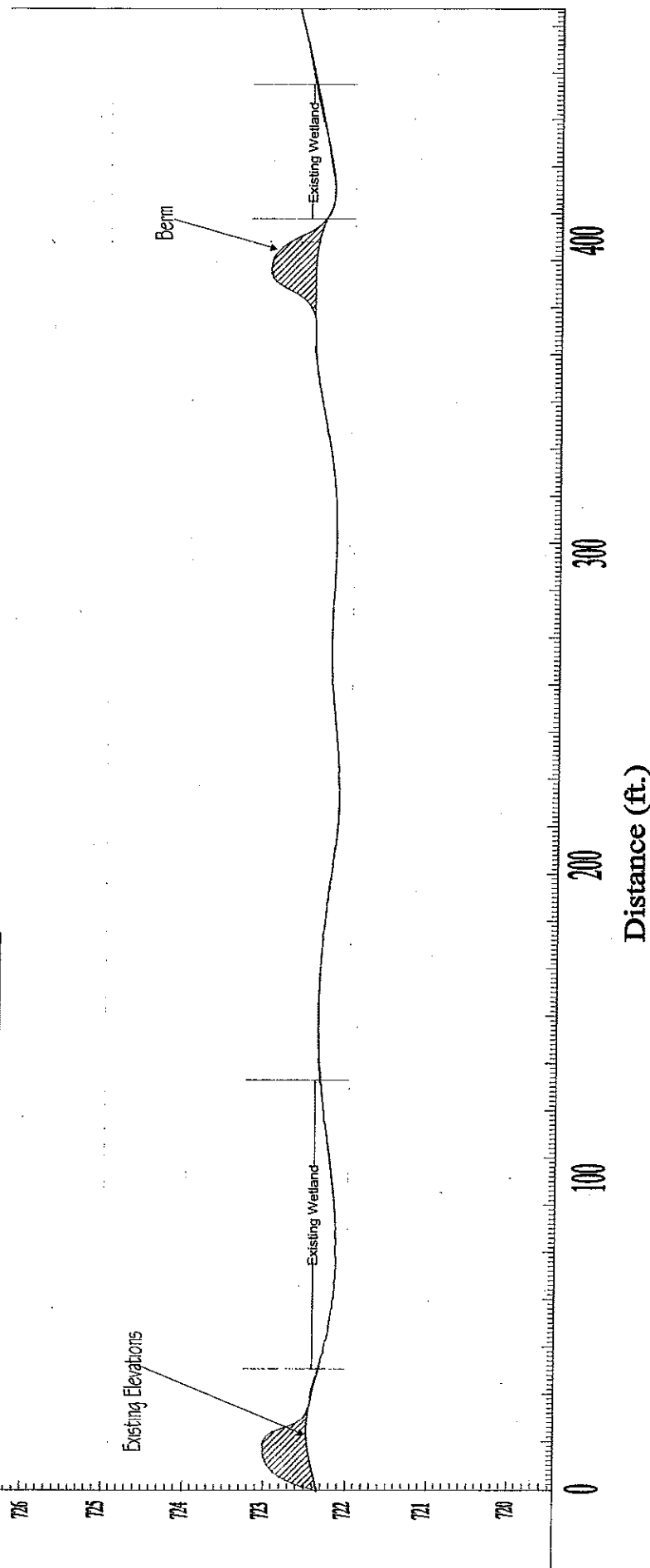
Fairway Hills Development - Summerfield
 DA Processing No.: 2002-01628
 Erie County, New York
 Quad: Lancaster
 Sheet 4 of 7




ED PROJECT CODE: WZ014 Map Date: 02/09/12, JMC Revised: Baseline Map Provided by:		Cross-section Drawing A-A' Summerfield Farms Phase V Conceptual Mitigation Plan TOWN OF LANCASTER ERIE COUNTY, NEW YORK	
Scale: As noted File Name: crosssection.dwg		 H DIMENSIONS, INC. 1081 Janison Road • Elma, NY 14059 (716) 655-1717 • Fax (716) 655-2915 • Soil and Hydrogeologic Investigations • Wetland Delineations	



LEGEND

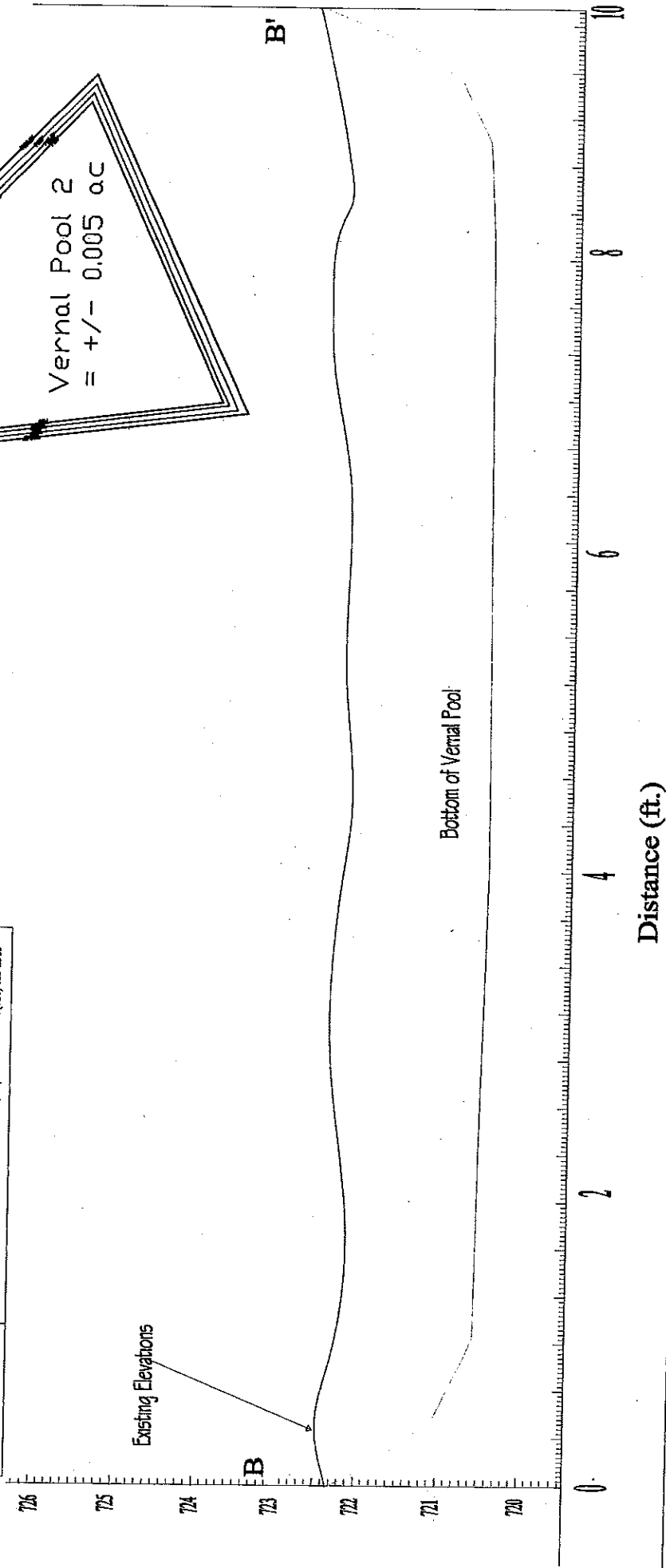
-  : Proposed Surface Elevations
-  : Existing Surface Elevations



Vernal Pool Cross-Section Summerfield Farms Phase V Conceptual Mitigation Plan TOWN OF LANCASTER ERIE COUNTY, NEW YORK	
ERI PROJECT CODE: W2004 Map Date: 8/15/12, ABS Revises: Baseline Map Provided by:	 H DIMENSIONS, INC. 1091 Janism Road • Elma, NY 14639 (716) 655-1717 • Fax (716) 655-2915 • Soil and Hydrogeologic Investigations • Wetland Delineations
Scale: As noted File Name: crosssection.d	

LEGEND

 : Proposed Surface Elevations
 : Existing Surface Elevations



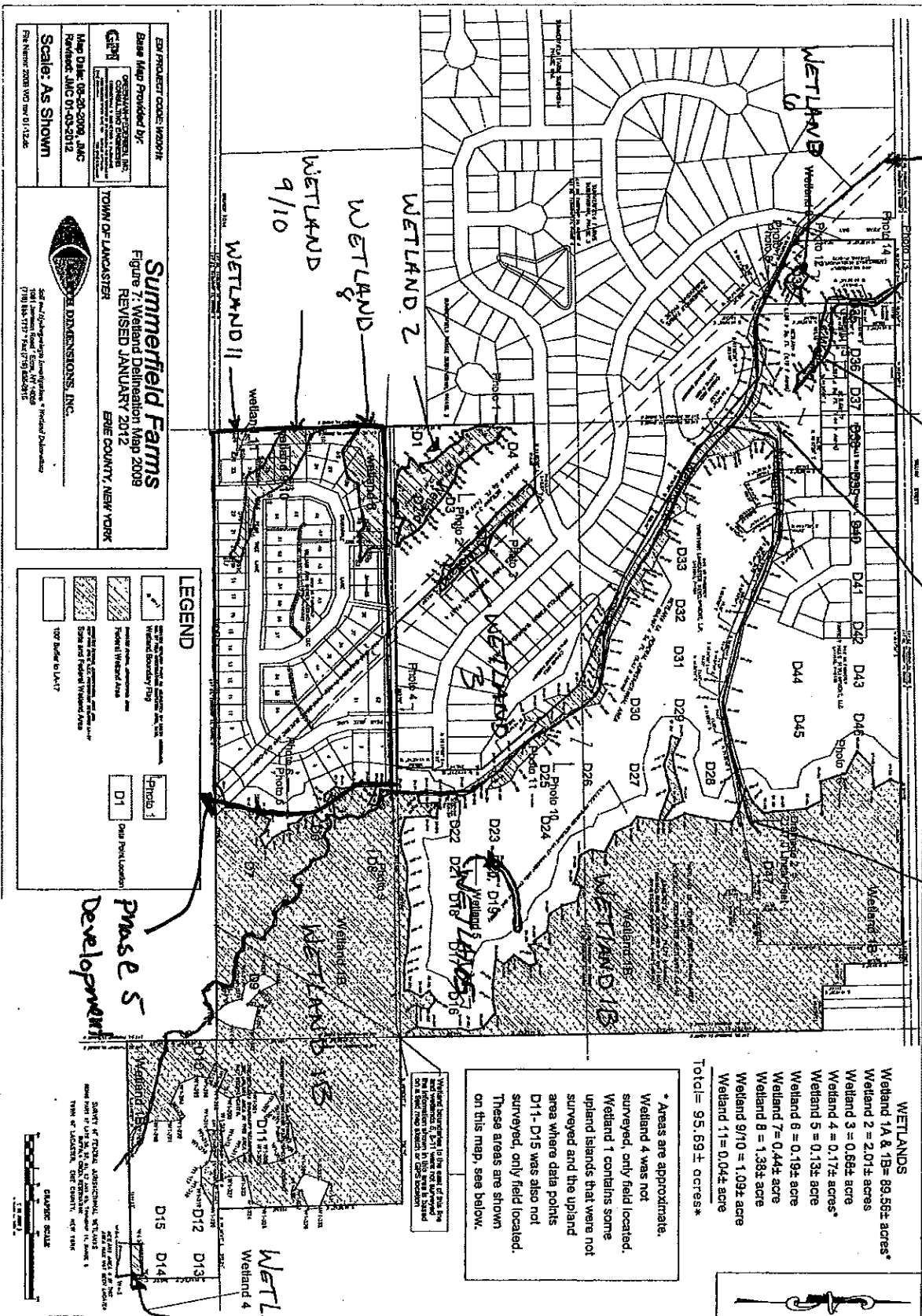
Fairway Hills Development - Summerfield
 DA Processing No.: 2002-01628
 Erie County, New York
 Quad: Lancaster
 Sheet 6 of 7



Drainage 1
5,575 linear feet

WETLAND 7

Drainage 2
2,137 linear feet



Phase 5
Development

Fairway Hills Development - Summerfield
DA Processing No.: 2002-01628
Erie County, New York
Quad: Lancaster
Sheet 7 of 7

